

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

September 24, 2012

7:00 p.m.

Present: Kathy Pucci
Ron Van Kirk
Colleen Gallagher
Katie Gallagher
Kevin Tanski
Tom Murphy

Absent: Tony DeMarco

Pledge of Allegiance.

DISPOSAL OF MINUTES:

MOTION by Pucci, second by C.Gallagher to approve the minutes of August 6, 2012, as amended with a correction to the spelling of the name 'Klimer.' **VOTE RESULTED:** *Approve as Amended:* Yes: DeMarco, Pucci, VanKirk, C.Gallagher, K.Gallagher, Murphy. Abstain: Tanski. No: None. **(APPROVED AS AMENDED)**

PUBLIC SESSION:

Don Stopa of 4190 Ivywood Drive. He and other residents have received mailing from First Energy for the NOPEC seven year price stability program. He wanted to know the positions of the Mayor and Councilmembers with regard to the program. Looking for input. Mayor Balbier said he was going to speak during his time about this.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Kathy Pucci): The Committee addressed the following Ordinances: 2012-62 (as amended), 2012-63, and 2012-64 (on first reading and with an executive session for additional discussion).

Public Safety & Environmental Committee (Tom Murphy): There will be a Committee meeting Tuesday, September 25th at 5 p.m. to discuss: legislation for allowing chickens in the city; new electric meters; traffic on Outlook Drive; and smoking ban on city property. Reminded everyone that there is also an important School Board community meeting that evening at 6 p.m.

Recreation Board (Councilman Tanski): The Board met September 17. Quotes are being sought for the exercise room; and also for equipment. The Center was awarded a splash pad grant in the amount of \$150,000. An advertising contract was entered into. Silver Sneakers revenue for June and July was \$3,418. The Center will be open on the following holidays: Columbus Day, Veteran's Day, Martin Luther King Day, President's Day. Lowe's donated paint to the Department, for painting of the locker room and lobby. Memorial 1 has been re-graded, reseeded, and dugouts removed. Two new Silver Sneakers programs were added: yoga and water aerobics. There were discussions on the tennis courts and land for soccer fields. The next meeting will be Monday, October 15th.

Bd. of Zoning Appeals (Comm. Ockington): The Board met September 20th to hear an appeal of denial of the Planning Commission from the Cleveland Bible Baptist Church (4431 Tiedeman) to install 35 square foot signs in two adjacent locations, and a request from the church for the necessary variances for the signs. The matters were deferred for further consultation with the Law Director and a possible re-hearing.

Planning Commission (Councilwoman K.Gallagher): The Commission will meet October 4th at 6 p.m. for a request from A.Sirak (7324 & 7328 Associate) for a lot split and consolidation; and a request from B.Rinker on behalf of Sheetz, for final site approval at 10315 Cascade Crossing.

Mr. Murphy asked if a traffic light is included for Sheetz. Comm. Ockington said he was not certain, and it is not normally part of the Commission's review but the City Engineer and Police Chief's. Mr. Murphy asked that we be diligent that a traffic light is not included. Chief Mielke said he last heard a light would be included, due to unanswered questions of visibility northbound on Tiedeman. He said he was assured by the traffic engineer that they would work together. Mrs. Pucci asked if there is a test to see if a light is warranted. Chief Mielke said according to their study it is warranted, the city has not commissioned our own study. He added that he does not want a light there, and let his feelings be known to that. Mrs. Pucci asked if a business dictates to the city where a light will go, and Dir. Claussen said it is not their decision. Mrs. Pucci asked Dir. Claussen to further check into this. Mr. Tanski commented on the traffic lights not being synchronized on Ridge Road, and wondered how all the lights on Tiedeman can be synchronized. Chief Mielke said the traffic lights at Ridge and 480 are archaic and cannot be synchronized and are on loops. Ms. K.Gallagher asked Comm. Ockington to address this concern to the members of the Planning Commission by e-mail prior to the meeting.

Legislative Update, Domestic Violence, Juvenile Diversion (Councilwoman C.Gallagher): The next meeting of the Domestic Abuse Commission will be October 3rd at 7 p.m. in the Comm-Senior Center.

REPORTS OF COUNCIL:

Kathy Pucci: Announced the important community meeting Tuesday (Sept. 25) at 6 p.m. at the High School. As she could not attend the meeting she already met with Supt. Walker, Mr. Ferian and Mr. Neal. She urged attendance and input. Would like an area for public notices on city website, and also an e-mail alert for them. Saturday unveiled the new sign for Westbrook Drive with the honorary name George and Patricia Zane Way. Felt it was an appropriate way to memorialize and honor their contributions to our community.

Ron VanKirk: Commented on the report released September 10th from the Bureau of Criminal Investigation regarding the Cracker Barrel tragedy; again saying no one should make any conclusions on an event until a thorough investigation is complete. The report concluded and stated the Brooklyn Police actions were 'appropriate' and 'followed police protocol', and commented he also feels our Department was professional, compassionate and handled it in the best way. He thanked the Chiefs and safety forces for all they do daily. Said there are several challenges facing the city right now, which are being discussed and debated back and forth. Strong and bold leadership is needed from everyone with decisiveness on the issues and in short order.

Colleen Gallagher: Unable to attend street sign unveiling for the Zanes, but thanked everyone for it happening, especially Brent Collins and Kathy Pucci. She also commented on their generosity to many. Extended condolences to the John Pacek family. Asked Dir. Verba to take care of a street light on Fairway, and pass along to the Chief. Thanked Comm. Ockington for his fast response to her complaints in the past week. Said Dir. Verba and Comm. Ockington do a great job for the city.

Katie Gallagher: Thanked Dir. Verba, Comm. Ockington and Chief Mielke for addressing various concerns the past few months. Told Comm. Ockington there was a complaint about the property behind the Terraces, for which a work order was permitted, and is asking if the property will be cut in full. Comm. Ockington said he Dir. Verba just discussed this, and the whole property will try to be cut over a period of time. There was further discussion on the upkeep of the property, the difficulty of holding the owner responsible for caring for it, that the property is currently in foreclosure, and the possibility of a lien on it.

Kevin Tanski: Addressed Dir. Claussen about Ordinance 2012-64, asking if we are going to using no-cost federal mediation for contract negotiations. The firm will charge \$240/hour, and last year the city paid \$61,362. Feels we should take negotiations into our own hands, and Dir. Claussen should have gained experience from the previous negotiations. Would rather pay Dir. Claussen additional monies to handle this rather than a major law firm. Asked for an explanation on if he could contact someone to pursue this. Dir. Claussen said the unions would have to agree to federal mediation, stating that this would be putting the cart before the horse, as you negotiate first and then use mediation if needed. He further explained some of the work involved, and the use of specialized firms for negotiations. Last year's bidding produced companies

with similar prices, which ended with the Mayor's recommendation and Council's approval of Mr. Johnson's firm. Further back and forth discussion followed. Mr. Tanski asked that the unions be asked to consider mediation when negotiations begin. President Pro-Tem C.Gallagher reminded him this is on first reading at this time.

Tom Murphy: Supports Mr. Tanski's position on this legislation being premature.

Mrs. Pucci asked Comm. Ockington if the grass issue on the property by the Terraces has been ongoing all summer. He replied it was cut by the potential purchase a couple times, but he has no legal responsibility to do so. She asked if the gulleys have been cleaned out, and he said they have not been. He added that it will be checked for need of clearing. There were further comments on the property owner, and the person working on the deal, and lack of upkeep.

MAYOR'S REPORT:

Mayor Balbier: Commented on the Zanes and the street honorary naming. Said the new rubbish containers (totes) are in, stacked in the Rec Center lot, to have wheels assembled. They will be delivered this week. Shared some information on West Nile Virus (2 confirmed and 2 suspected cases in Cuyahoga County). The city has started striping for itself this year, and has been going well so far. Responded to the NOPEC question that he has not made up his mind on it yet, but contacted the director with questions; bottom line is that it's a personal decision that each person has to make. The Historical Society's Shunpike Shoppe will be Saturday and Sunday, September 29 and 30.

DIRECTORS' REPORTS:

Service Dir. Verba: Delivery of the new trash containers started today. Reminded everyone that they will handed out according to scheduled collection day. Asked for patience, and also to be notified of a known vacant home so a can is not left. For problems with containers contact City Hall. Live automation will be Monday, October 1st. Again stressed patience, for residents and workers, for this new program. Composting will also resume October 1st, which was on hold while workers were used in the street striping program. Thanked the collaborative efforts and support for the automated collection program from: Mayor Balbier; City Council, especially Councilwoman Colleen Gallagher; the County Solid Waste District; the Cities of Independence, Lyndhurst, Akron, Cleveland and Lakewood for their assistance; Rob Kelber and his video class; his secretary Barb Stanton; receptionist Celeste Westfall; resident Luke Risotti; Best Equipment. As mentioned, the street striping program began with yellow striping, and the white lines will begin tomorrow. Asking everyone to observe the cones designating wet paint, to not drive through it. Asked for patience again.

LEGISLATION:

RESOLUTION 2012-14: To adopt the Solid Waste Management Plan from the Cuyahoga County Solid Waste Management District. It was placed on first reading, and a correction will be made to the number. **(FIRST READING)**

ORDINANCE 2012-59, on 2nd Reading: To add new Section 535, Sex Offender Residency Prohibition to the Codified Ordinances of the City of Brooklyn, Ohio. President Pro-Tem Gallagher said it is on second reading, but Mr. Murphy is waiting for comment from Dir. Claussen with a response from the City's Prosecutor with any concern. Dir. Claussen said he spoke to the Prosecutor and she is okay with the language, as is the Police Chief, and they are ready to move forward. **MOTION** by Murphy, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. *Adopt:* Yes: Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. **(ADOPTED)**

ORDINANCE 2012-61, on 2nd Reading: To add new Section 505.33, Restrictions on the Keeping of Chickens, to the Codified Ordinances of the City of Brooklyn, Ohio. **(SECOND READING)**

ORDINANCE 2012-62: Amending Section 1 of Ordinance 2010-33, Establishing fees for the Learn to Swim Program at the City of Brooklyn Natatorium and Outdoor Swim Complex. **MOTION** by Pucci, second by Van Kirk to amend by inserting a new Section 2, to reflect the costs associated for the Community Partner rates. **VOTE RESULTED: Amend: Yes: Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. (FIRST READING, AS AMENDED)**

ORDINANCE 2012-63: Amending Ordinance 2011-15, Establishing Parma Hts. (Community Partner) rates at the John M. Coyne Recreation Center and Natatorium. **MOTION** by C.Gallagher, second by Van Kirk to amend to correct the Ordinance number. **VOTE RESULTED: Amend: Yes: Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. (FIRST READING, AS AMENDED)**

ORDINANCE 2012-64: Authorizing the Mayor to retain Johnson, Miller & Schmitz, LLP to conduct labor negotiations on behalf of the City of Brooklyn. **(FIRST READING)**

President Pro-Tem Gallagher said if there was no further business she would entertain a motion to go into Executive Session for the purpose of discussing matters relating to labor negotiations, and also matters of personnel with the Mayor, Law Director and Finance Director.

MOTION by Pucci, second by Van Kirk to adjourn to executive session to discuss labor negotiations with the Mayor, Finance Director and Law Director, and also matters of personnel regarding the Law Department with the Mayor. **VOTE RESULTED: Adjourn to executive session: Yes: Pucci, VanKirk, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. (ADJOURN TO EXECUTIVE SESSION)**

MOTION by C.Gallagher, second by K.Gallagher to reconvene. **VOTE RESULTED: Reconvene: Yes: Pucci, C.Gallagher, K.Gallagher, Tanski, Murphy. No: None. (RECONVENE)**

There being no further business, **MOTION** by Pucci, second by Van Kirk to adjourn. **VOTE RESULTED: Adjourn: Yes: Pucci, C.Gallagher, K.Gallagher, Murphy, DeMarco, Pucci. No: None. (ADJOURNED)**

Asst. Clerk of Council

President Pro-Tem of Council